

The Nature and Basis of Human Dignity

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Abstract. We argue that all human beings have a special type of *dignity* which is the basis for (1) the obligation all of us have not to kill them, (2) the obligation to take their well-being into account when we act, and (3) even the obligation to treat them as we would have them treat us, and indeed, that all human beings are *equal* in fundamental dignity. We give reasons to oppose the position that only some human beings, because of their possession of certain characteristics in addition to their humanity (for example, an immediately exercisable capacity for self-consciousness, or for rational deliberation), have full moral worth. What distinguishes human beings from other animals, what makes human beings *persons* rather than *things*, is their rational nature, and human beings are rational creatures by virtue of possessing natural capacities for conceptual thought, deliberation, and free choice, that is, the natural capacity to shape their own lives.

Some people hold that all human beings have a special type of *dignity* which is the basis for (1) the obligation all of us have not to kill them, (2) the obligation to take their well-being into account when we act, and (3) even the obligation to treat them as we would have them treat us. Indeed, those who hold that all human beings possess a special type of dignity almost always also hold that human beings are *equal* in fundamental dignity. They maintain that there is no class of human beings to which other human beings should be subordinated when considering their interests or their well-being, and when devising laws and social policies.

Other thinkers deny that all human beings have a special type of dignity. They maintain that only some human beings, because of their possession of certain characteristics in addition to their humanity (for example, an immediately exercisable capacity for self-consciousness, or for rational deliberation), have full moral worth. In this paper we defend the first of these two positions. We argue that all human beings, regardless of age, size, stage of development, or immediately exercisable capacities, have equal fundamental dignity.

Let us begin by offering a few preliminary thoughts on the general concept of *dignity*. Dignity is not a distinct property or quality, like a body's color, or an organ's function. It is not a quality grasped by a direct intuition. Although there are different types of dignity, in each case the word refers to a property or properties—different ones in different circumstances—that cause one to *excel*, and thus elicit or merit respect from others. Our focus will be on the dignity of a person or personal dignity. The dignity of a *person* is that whereby a person excels other beings, especially other animals, and merits respect or consideration from other persons. We will argue that what distinguishes human beings from other animals, what makes human beings *persons* rather than *things*, is their rational nature. Human beings are rational creatures by virtue of possessing natural capacities for conceptual thought, deliberation, and free choice, that is, the natural capacity to shape their own lives.

These basic, natural capacities to reason and make free choices are possessed by every human being, even those who cannot immediately exercise them. Being a person thus derives from the kind of substantial entity one is, a substantial entity with a rational nature—and this is the ground for dignity in the most important sense. Because personhood is based on the *kind* of being one is—a substantial entity whose nature is a *rational* nature—one cannot lose one's fundamental personal dignity as long as one exists as a human being.

There are other senses of the word "dignity." First, there is a type of dignity which varies in degrees, which is the *manifestation* or *actualization* of those capacities that distinguish humans from other animals. Thus, slipping on a banana peel (being reduced for a moment to a passive object), or losing one's independence and privacy (especially as regards our basic bodily functions), detract from our dignity in this sense. However, while this dignity seems to be compromised in certain situations, it is never completely lost. Moreover, this dignity, which varies in degree, is distinct from the more basic dignity that derives from simply being a person.

Second, it is important also to distinguish one's *sense of* dignity. Something may harm one's *sense of* dignity without damaging or compromising one's real dignity. People who become dependent on others often *feel* a certain loss of dignity. Yet their personal dignity, and even their manifestation of that dignity, may not have been harmed at all. Often one's sense of dignity can be at variance with one's real dignity. Those who are sick and who bear their suffering in a courageous or dignified manner, often inspire others even though they themselves may *feel* a loss of dignity.

Third, a human person may be treated in a way at odds with his or her personal dignity. Human beings may be enslaved, they may be killed unjustly, raped, scorned, coerced, or wrongly imprisoned. Such treatment is undignified, yet it too, like a person's low sense of dignity, does not cause a victim to personal dignity; the slave or the murder victim are

wronged precisely because they are treated in a way at odds with their genuine personal dignity.

In truth, all human beings have real dignity simply because they are persons—entities with natural capacities for thought and free choice. *All* human beings have this capacity, so all human beings are persons. Each human being therefore deserves to be treated by all other human beings with respect and consideration. It is precisely this truth that is at stake in the debates about killing human embryos, fetuses, and severely retarded, demented, or debilitated human beings, and many other debates in bioethics.

To explain the basis of human dignity, and how human beings inherently possess dignity, we will first explain more precisely the problem concerning the basis of human dignity; then we will examine proposals that deny that every human being has an intrinsic dignity which grounds full moral worth; then we will present and defend our position; finally, we will show how the feature (nature) that grounds full moral worth is possessed by human beings in all developmental stages, including the embryonic, fetal, and infant stages, and in all conditions, including severely cognitively impaired conditions (sometimes called “marginal cases”).

1. The Problem of Moral Status

The general problem regarding the ground of moral status can be expressed as follows. It seems that it is morally permissible to *use* some living things, to consume them, experiment on them for our own benefit (without their consent, or perhaps when they are unable to give or withhold consent), but that it is not morally permissible to treat other beings in this way. The question is: Where do we draw the line between those two sorts of beings? By reference to what criterion do we draw that line? Or perhaps there just is no such line, and we should always seek to preserve *all* beings, of whatever sort.

But we must eat, we must use some entities for food and shelter, and in doing so we inevitably destroy them. When we eat we convert entities of one nature into another and thus destroy them. Moreover, no one claims that we should not try to eradicate harmful bacteria (which are forms of life). That is, we should kill harmful bacteria in order to protect ourselves and our children. And it seems clear that we must harvest wheat and rice for food, and trees for shelter. So, plainly it is permissible to kill and use some living things. Given that it is not morally permissible to kill just any type of being, it follows that a line must be drawn, a line between those entities it is morally permissible to use, consume, and destroy, and those it is not permissible to use, consume, and destroy. How can the line be drawn in a non-arbitrary way?

Various criteria for where the line should be drawn have been proposed: sentience, consciousness, self-awareness, rationality, or being a moral agent (the last two come to the same thing). We will argue that the criterion is: having a rational nature, that is, having the natural capacity to reason and make free choices, a capacity it ordinarily takes months, or even years, to actualize, and which various impediments might prevent from being brought to full actualization. (Severely retarded human beings have the same nature and thus the same basic rights as other humans: Were a therapy or surgery developed to correct whatever defect causes their mental disability, this would not change their nature. It would not change them into a different kind of being; rather, it would enable them to flourish more fully precisely as the kind of being they are—a human being.) Thus, every human being has full moral worth or dignity, for every human being possesses such a rational nature.

While membership in the species *Homo sapiens* is sufficient for full moral worth, it is not in any direct sense the criterion for moral worth. If we discovered extra-terrestrial beings of a rational nature, or learned that some terrestrial species have a rational nature, then we would owe such beings full moral respect. Still, all members of the human species do have full moral worth because all of them do have a rational nature, though many of them are not able immediately to exercise basic capacities. One could also say that the criterion for full moral worth is *being a person*, since a person is a rational subject.¹

The other suggestions listed above, we believe, are not tenable as criteria of full moral worth, and, worse yet, often have the practical effect of leading to the denial that human beings have full moral worth, rather than simply adding other beings to the set of beings deserving full moral respect (Teichman 1996). Hence it is vital to explain how being a person, that is, being a distinct substance with the basic natural capacities for conceptual thought and free choice, is a basis for the possession of dignity and basic rights.

2. The Capacity for Enjoyment or Suffering as a Criterion

Animal welfarists argue that the criterion of moral worth is simply the ability to experience enjoyment and suffering. Peter Singer, for example, quotes Jeremy Bentham (1948, chap. 17): “The question is not, Can they *reason?* nor Can they *talk?* but, Can they *suffer?*” Singer then presents the following argument for this position:

¹ Boethius’s definition, especially as interpreted by St. Thomas Aquinas, is still valid: “An individual substance (that is, a unique substance) of a rational nature.” So, neither a nature held in common by many, nor a part is a person. But every whole human being performing its own actions, including actions such as growth toward the mature stage of a human, *is* a person. See Boethius 1891, and St. Thomas Aquinas 1981, Pt. I, q. 29, a. 1.

The capacity for suffering and enjoyment is a *prerequisite for having interests at all*, a condition that must be satisfied before we can speak of interests in a meaningful way. [. . .] A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. The capacity for suffering and enjoyment is, however, not only necessary, but also sufficient for us to say that a being has interests—at an absolute minimum, an interest in not suffering. (Singer 1990, 7)

In short, Singer's argument is: All and only beings that have interests have moral status; but all and only beings that can (now) experience suffering or enjoyment have interests; therefore, all and only beings that can (now) experience suffering or enjoyment have moral status.

The major difficulties with Singer's position all follow from the fact that his proposed criterion for moral status involves the possession of an accidental attribute that varies in degrees. Both the capacity for suffering and the possession of interests are properties which different beings have in different degrees, and the interests themselves are possessed in varying degrees. As we shall show, this feature of Singer's theory leads to untenable conclusions. Here we will mention four.

First, although Singer has made famous the slogan, "All animals are equal," this theory actually leads to *denying* that all animals, including all humans, have equal moral worth or basic rights. Singer means that "All animals are equal" in the sense that all animals are due "equal consideration." Where the interests of two animals *are* similar in quality and magnitude, then those interests should be counted as equal when deciding what to do, both as individuals and in social policies and actions. However, as Singer himself points out, (on this view) some animals can perform actions which others cannot, and thus have interests which those others do not. So the moral status of all animals is not, in fact, equal. One would not be required to extend the right to vote, or to education in reading and arithmetic, to pigs, since they are unable to perform such actions. This point leads to several problems when we attempt to compare interests. According to this view it is the *interests* that matter, not *the kind of being* that is affected by one's actions. So, on this view, it would logically follow that if a human child had a toothache and a juvenile rat had a slightly more severe toothache, then we would be morally required to devote our resources to alleviating the rat's toothache rather than the human's.

Second, a human newborn infant who will die shortly (and so does not appear to have long-term future interests), or a severely cognitively impaired human, will be due *less* consideration than a more mature horse or pig, on the ground that a mature horse or pig will have richer and more developed interests. Since the horse and the pig have higher cognitive and emotional capacities (in the sense of immediately or nearly immediately exercisable capacities) than those newborn infants (that will die shortly)

and severely cognitively impaired humans—and it is the interests that directly count morally, not the beings that have those interests—then the interests of the horse and the pig should (on this account) be preferred to the interests of the newborn or the cognitively impaired human.²

Third, let us consider the differences between types of interests. Singer's position actually implies an indirect *moral elitism*. It is true that according to this position no animal is greater than another solely on the ground of its species (that is, according to its substantial nature). Still, one animal will be due more consideration—indirectly—if it has capacities for higher or more complex mental functions. As Singer puts it: "Within these limits we could still hold that, for instance, it is worse to kill a *normal* adult human, with a capacity for self-awareness, and the ability to plan for the future and have meaningful relations with others, than it is to kill a mouse, which presumably does not share all of these characteristics [. . .]" (Singer 1990, 19, emphasis supplied). But this difference between degrees of capacity for suffering and enjoyment, will also apply to individuals within each species. And so, on this view, while a human will normally have a greater capacity for suffering and enjoyment than other animals, and so will have a higher moral status (indirectly), so too, more intelligent and sophisticated human individuals will have a greater capacity for suffering and enjoyment than less intelligent and less sophisticated human individuals, and so the former will have a higher moral status than the latter. As Richard Arneson (1999, 105) expressed this point, "For after all it is just as true that a creative genius has richer and more complex interests than those of an ordinary average Joe as it is true that a human has richer and more complex interests than a baboon."

Finally, there is a fourth difficulty for the animal welfarist position, a difficulty that also clarifies the principal difference between that position and traditional morality. Singer's argument was that moral worth is based on interests, and interests are based on the ability to experience suffering or enjoyment. In other words, a key premise in his argument is that only beings with feelings or some level of consciousness can be reasonably considered to have interests. However, this is simply not true. Rather, all living beings, not just those with consciousness, have interests. It is clear that living beings are fulfilled by certain conditions and damaged by others. As Paul Taylor, who defends a biocentrist view (*all* living beings have moral worth), explains,

We can think of the good of an individual nonhuman organism as consisting in the full development of its biological powers. Its good is realized to the extent that it is strong and healthy. (Taylor 1984, 488)

² Jeff McMahan (2002, 205–6), whose view is in other respects more complex than Singer's, still holds that only interests are of direct moral concern, and explicitly recognizes, and accepts, this logical consequence.

One can then say that what promotes the organism's survival and flourishing is *in its interest* and what diminishes its chances of survival or flourishing is *against its interests*. Further, while it may be initially plausible to think that all animals have rights because they have interests, it is considerably less plausible to think that all living beings (which include wheat, corn, and rice, not to mention weeds and bacteria) have rights. But the interest argument would lead to that position.

And this point, we think, clarifies the issue. The arguments advanced by Singer and Taylor do not actually attempt to establish that nonhuman animals and other living things have moral rights in the full sense of the term. We think it is true of *every* living being, in some way, that we should not *wantonly* destroy or damage it.³ With sentient beings, whether their life goes well or badly for them will significantly include their pleasure, comfort, or lack of suffering. And so their flourishing includes pleasure and lack of pain (though it also includes other things such as their life and their activities). Yet it does not follow from these points that they have full basic and inherent dignity (moral worth) or rights (Lombardi 1983). There simply is no conceptual connection between pleasure and pain (enjoyment and suffering) on the one hand, and full moral worth (including genuine rights), on the other hand (Oderberg 2000a, 101).

However, almost no one actually argues that these beings have basic dignity or full moral rights. Rather, biocentrists argue that all living things merit *some* consideration, but also hold that human beings are due *more* consideration (though not, apparently, a different *kind* of consideration: see, for example, Taylor 1984). In effect, instead of actually holding that all living beings (in the case of biocentrists), or all animals (in the case of animal welfarists) have *rights*, they have simply denied the existence of rights in the full sense of the term.⁴ Instead, they hold only that all living beings (or animals or higher mammals) deserve some (varying) degree of respect or consideration. We agree with this point, but we also maintain that every human being is a subject of rights, that is, every human being should be treated according to the golden rule.⁵ In other words, we grant that we should take account of the flourishing of living beings, and the pleasures and pains of nonhuman animals. But we are not morally related to them in the same way that we are related to other beings who, like

³ Could it be true of every being, living or not? It is hard to see what the good or fulfillment of a non-living being is, since on that level it is hard to know just what are the basic, substantial entities as opposed to aggregates of entities. Thus, when we breathe we convert oxygen and carbon molecules into carbon dioxide molecules—have we destroyed the oxygen in that process or have we only rearranged the atoms in their constitution? It is hard to say.

⁴ Peter Singer acknowledges that he is "not convinced that the notion of a moral right is a helpful or meaningful one, except when it is used as a shorthand way of referring to more fundamental considerations."

⁵ We are laying aside here now the issue of capital punishment.

ourselves, have a rational nature—beings whom (out of fairness) we should treat as we would have them treat us.

But one might argue for animal rights starting from our natural empathy or affection for them (though most people's natural empathy or affection, notably, does *not* extend to all animals, for example, to spiders or snakes). If one identifies what is to be protected and pursued with what can be felt, that is, enjoyed or suffered in some way, then one might conclude that every entity that can have pleasure or pain deserves (equal?) consideration. If the only intrinsic good were what can be enjoyed, and the only intrinsic bad were suffering, then it would not be incoherent to hold that sentience is the criterion of moral standing, that is, that every entity with sentience has (some degree of) moral standing. In other words, it seems that one can present an *argument* for animal rights that begins from natural feelings of empathy only by way of a hedonistic value theory. We can think of no other arguments that begin from that natural empathy with, or affection for, other animals.

But hedonism as a general theory of value is mistaken. The central tenet of hedonism—that the good consists in the experiential—is false. Real understanding of the way things are, for example, is pleasurable because it is fulfilling or perfective of us, not vice versa. The same is true of life, health, or skillful performance (one enjoys running a good race because it is a genuine accomplishment, a skillful performance, rather than vice versa). So, as Plato and Aristotle pointed out, hedonism places the cart before the horse.

Clearly, some desires are bad and some are merely whimsical but some desires are neither. So, in many cases, prior to being desired, the object desired has something about it that makes it *fitting*, or *suitable*, to be desired. We are capable of desiring certain things while other things leave us unmoved, uninterested. So, prior to being desired, the object desired must have something about it which makes it *fitting*, or *suitable*, to be desired. What makes it fitting is that it is *fulfilling* or *perfective* us in some way or other. Thus, what makes a thing good cannot consist in its being enjoyed, or in its satisfying desires or preferences. Rather, desires and preferences are rational only if they are in line with what is genuinely good, that is, genuinely fulfilling.⁶ So, hedonism is mistaken. It cannot provide support for the view that sentience (or the capacity for suffering and enjoyment) is the criterion

⁶ Thus, the pleasures of the sadist or child molester are *in themselves* bad; it is false to say that such pleasures are bad only because of the harm or pain involved in their total contexts. It is false to say: "It was bad for him to cause so much pain, but at least he enjoyed it." Pleasure is secondary, an aspect of a larger situation or condition (such as health, physical, and emotional); what is central is what is really fulfilling. Pleasure is not a good like understanding or health, which are goods or perfections by themselves, that is, are good in themselves even if in a context that is overall bad or if accompanied by many bads. Rather, pleasure is good (desirable, worthwhile, perfective) if and only if attached to a fulfilling or perfective activity or condition. Pleasure *is* a good: A fulfilling activity or condition is better with it than without it. But pleasure is *unlike* full-fledged goods in that it is not a genuine good apart from

of full moral worth. While we are prepared to grant, at least for the sake of argument, that it is wrong to kill a plant, insect, or other non-rational creature wantonly, still it can be morally right to do so for a good reason.⁷

These difficulties in Singer's position are all due to the selection of a criterion of moral worth that varies in degrees. If the moral status-conferring attribute varies in degrees—whether it be the capacity for enjoyment or suffering, or another attribute that comes in degrees—it will follow that some humans will possess that attribute to a lesser extent than some non-human animals, and so inevitably some interests of some non-human animals will trump the interests of some humans. Also, it will follow that some humans will possess the attribute in question in a higher degree than other humans, with the result that not all humans will be equal in fundamental moral worth, i.e., *dignity*. True, some philosophers bite the bullet on these results. But in our judgment this is too high a price to pay. A sound view of worth and dignity will not entail such difficulties.

Rather, our position is that a rights-bearing subject has rights in virtue of the kind of substantial entity he or she is, not in virtue accidental attributes such as race, sex, ethnicity, age, size, stage of development, or condition of dependency. There are many things to be said in defense of this position, but let us make here just a few brief points. First, this view will explain why it at least seems to most people that our moral concern should be for *persons*, rather than only for their properties or accidental attributes. After all, when dealing with other persons we at least tend to think that the locus of value is the persons themselves. We do not normally view persons as mere vehicles for what is intrinsically valuable: One's child, one's neighbor, or even a stranger, is not valuable only because of the valuable attributes they possess. If persons were valuable as mere vehicles for something else—some other quality that is regarded as what is *really* of value—then it would follow that the basic moral rule would be simply to maximize those valuable attributes. It would not be morally wrong to kill a child, no matter what age, if doing so enabled one to have two children in the future, and thus to bring it about that there were two vehicles for intrinsic value rather than one. So, persons themselves are valuable, rather than mere vehicles for what is really intrinsically valuable.

But if that is so, then it would make sense that what distinguishes those entities that have full moral status (inherent dignity) from those that do not

some other, fulfilling activity or condition. It is a good if and only if attached to another condition or activity that is already good.

⁷ It is worth noting that nonhuman animals themselves not only regularly engage in killing each other, but many of them (lions and tigers, for example) seem to depend for their whole mode of living (and so their flourishing), on hunting and killing other animals. If nonhuman animals really did have full moral rights, however, we would have a *prima facie* obligation to stop them from killing each other. Indeed, we would be required to invest resources presumptively protecting zebras and antelopes from lions, sheep and foxes from wolves, and so on.

should be the type of substantial entity they are, rather than any accidental attributes they possess. True, it is not self-contradictory to hold that the person himself is valuable, but only in virtue of some accidental attributes he or she possesses. Still, it is more natural, and more theoretically economical, to suppose that *what* has full moral status, and *that in virtue of which* he or she has full moral status, are the same.

Second, this position more closely tracks the characteristics we tend to think are found in genuine care or love. Our genuine love for a person remains, or should remain, for as long as that person continues to exist, and is not dependent on his or her possessing further attributes. That is, it seems to be the nature of care or love that, at least ideally, it should be unconditional, that we should continue to desire the well-being or fulfillment of someone we love for as long as he or she exists. Of course, this still leaves open the question whether continuing to live is always part of a person's well-being or fulfillment; we also maintain that a person's life always *is* in itself a good, but that is a distinct question from the one being considered just now (see Lee and George 2007, chap. 5). The point is that caring for someone is a three-term relation. It consists in actively willing that a good or benefit be instantiated *in* a person, viewed as a subject of existence, in other words, as a substance. And this structure is more consonant with the idea that the basis of dignity or moral worth is being a certain sort of substance, rather than possessing certain attributes or accidental characteristics.

3. The Difference in Kind between Human Beings and Other Animals

Human beings are fundamentally different in kind from other animals, not just genetically but in having a rational nature (that is, a nature characterized by basic natural capacities for conceptual thought, deliberation, and free choice). Human beings perform *acts of understanding*, or conceptual thought, and such acts are fundamentally different kinds of acts from acts of sensing, perceiving, or imaging. An act of understanding is the grasping of, or awareness of, a nature shared in common by many things. In Aristotle's memorable phrase, to understand is not just to know water (by sensing or perceiving this water), but to know what it is to be water (Aristotle 1961, Bk. III, Ch. 4). By our senses and perceptual abilities we know the individual qualities and quantities modifying our sense organs—this color or this shape, for example. But by understanding (conceptual thought), we apprehend a nature held in common by many entities—not this or that instance of water, but what it is to be water. By contrast, the object of the sensory powers, including imagination, is always an individual, a *this* at a particular place and a particular time, a characteristic, such as this red, this shape, this tone, an object that is thoroughly conditioned by space and time.

The contrast is evident upon examination of language. Proper names refer to individuals, or groups of individuals that can be designated in a determinate time and place. Thus, "Winston Churchill" is a name that refers to a determinate individual, whereas the nouns "human," "horse," "atom," and "organism" are common names. Common names do not designate determinate individuals or determinate groups of individuals (such as "those five people in the corner"). Rather, they designate *classes*. Thus, if we say, "Organisms are composed of cells," the word "organisms" designates the whole class of organisms, a class that extends indefinitely into the past and indefinitely into the future. All syntactical languages distinguish between proper names and common names.

But a class is not an arbitrary collection of individuals. It is a collection of individuals all of whom have something in common. There is always some feature (or set of features), some intelligible nature or accidental attribute, that is the criterion of membership for the class. Thus, the class of organisms is all, and only those, that have the nature of *living bodily substance*. And so, to understand the class as such, and not just be able to pick out individuals belonging to that class, one must understand the nature held in common. And to understand the class as a class (as we clearly do in reasoning) one must mentally apprehend the nature or features (or set of features) held in common by the members of the class, and compare this to those individual members. Thus, to understand a proposition such as, "All organisms require nutrition for survival," one must understand a nature or universal content designated by the term "organism": The term designates the nature or feature which entities must have in them in order to belong to that class.

Human beings quite obviously are aware of classes as classes. That is, they do more than assign individuals to a class based on a perceived similarity; they are aware of pluralities as holding natures or properties in common (see Wallman 1992, esp. chapters 5 and 6). For example, one can perceive, without a concept, the similarity between two square shapes or two triangular shapes, something which other animals do as well as human beings. But human beings also grasp the criterion, the universal property or nature, by which the similars are grouped together (cf. Connell 1981, 87–93; Haldane 2000; Adler 1990; Pannier and Sullivan 2000; Ross 1992).

There are several considerations tending to confirm this fact. First, many universal judgments require an understanding of the nature of the things belonging to a class. If I understand, for example, that every organism is mortal, because every composite living thing is mortal, this is possible only if I mentally compare the nature, *organism*, with the nature, *composite living thing*, and see that the former entails the latter. That is, my judgment that every composite living thing can be decomposed and thus die, is based on my insight into the nature of a composite living thing. I have understood

that the one nature, *subject to death*, is entailed by the other nature, *composite living being*, and from that knowledge I then advert to the thought of the individuals which possess those natures. I judge that individual composite living beings must be included within the class of individuals that are subject to death, but I judge that only in virtue of my seeing that the nature, *being subject to death*, is necessitated by the nature, *composite living being*. This point is also evident from the fact that I judge that a composite living being is necessarily capable of dying.⁸ By the senses, one can grasp only an individual datum. Only by a distinct capacity, an intellect, only by apprehending the nature of a thing, can one grasp that a thing is necessarily thus or so.⁹

The capacity for conceptual thought in human beings radically distinguishes them from other animals known to us. This capacity is at the root of most of the other distinguishing features of human beings. Thus, syntactical language, art, architecture, variety in social groupings and in other customs,¹⁰ burying the dead, making tools, religion, fear of death (and elaborate defense mechanisms to ease living with that fear), wearing clothes, true courting of the opposite sex (Scruton 1986), free choice, and

⁸ True, something extrinsic could preserve it from death, but it is the sort of thing that is, by its nature, subject to death. This is the basis for the major premise in the classic example of a syllogism: All men are mortal; Socrates is a man; therefore, Socrates is mortal.

⁹ Another example will illustrate this point. When children arrive at the age at which they can study logic, they provide evidence of the ability to grasp a nature or property held in common by many. They obviously do something qualitatively distinct from perceiving a concrete similarity. For example, when studying elementary logic, the child (or young man or woman) grasps the common pattern found in the following arguments:

A. If it rains then the grass is wet.

The grass is not wet.

Therefore, it is not raining.

B. If I had known you were coming, I would have baked you a cake.

But I did not bake you a cake.

So, (you can see that) I did not know you were coming.

We understand the difference between this type of argument, a *modus tollens* argument, and one that is similar but invalid, namely, the fallacy of affirming the consequent (If A then B, B, therefore A). But, what is more, we understand why the fallacy of affirming the consequent is invalid—namely, some other cause (or antecedent) could be, or could have been, present to produce that effect. A computer, a mechanical device, can be programmed to operate according to the *modus tollens* and to react differently to (give a different output for) words arranged in the pattern of the fallacy of affirming the consequent. But understanding the arguments (which humans do) and merely operating according to them because programmed to do so (the actions of computers) are entirely different types of actions. The first does, while the second does not, require the understanding or apprehending of a form or nature as distinct from its instances. (This is not to say that the nature exists separately from the individuals instantiating it, or as a universal, outside the mind. We hold that the nature exists in the mind as universal, but outside the mind as multiplied and individuated. Of course in propositional knowledge the mind apprehends the particular as well as the universal.)

¹⁰ Mortimer Adler (1990) noted that, upon extended observation of other animals and of human beings, what would first strike one is the immense uniformity in mode of living among other animals, in contrast with the immense variety in modes of living and customs among human beings.

morality—all of these and more, stem from the ability to reason and understand. Conceptual thought makes all of these specific acts possible by enabling human beings to escape fundamental limitations of two sorts. First, because of the capacity for conceptual thought, human beings' actions and consciousness are not restricted to the spatio-temporal present. Their awareness and their concern go beyond what can be perceived or imagined as connected immediately with the present (Reichmann 2000, chap. 2; see also Campbell 1994). Second, because of the capacity for conceptual thought, human beings can reflect back upon themselves and their place in reality, that is, they can attain an objective view, and they can attempt to be objective in their assessments and choices. Other animals give no evidence at all of being able to do either of these things; on the contrary, they seem thoroughly tied to the here and now, and unable to take an objective view of things as they are in themselves, or to attempt to do so (Baker 2000, chap. 3; Campbell 1994).

The capacity for conceptual thought is a capacity that human beings have in virtue of the kind of entity they are. That is, from the time they come to be they are developing themselves toward the mature stage at which they will (unless prevented from doing so by disability or circumstances) perform such acts. Moreover, they are structured—genetically, and in the non-material aspect of themselves—in such a way that they are oriented to maturing to this stage.¹¹ So, every human being, including human infants and unborn human beings, has this basic natural capacity for conceptual thought.¹²

Human beings also have the basic natural capacity or potentiality to deliberate among options and make free choices, choices that are not determined by the events that preceded them, but are determined by the person making the choice in the very act of choosing. That is, for some choices, the antecedent events are not sufficient to bring it about that these

¹¹ The genetic structure orients them toward developing a complex brain that is suitable to be the substrate for conceptual thought; that is, it is capable of providing the kind of sense experience and organization of sense experience that is suitable for data for concepts. Since the object of conceptual thought is not restricted to a particular place and time, this is evidence that the power of conceptual thought is non-material. So, we hold that human beings have a non-material aspect, the powers of conceptual thought and free choice.

¹² It is not essential to the defense of human dignity to argue that *only* humans have this power of conceptual thought and (to be discussed in a moment) free choice. However, there is not evidence of such conceptual thought or free choice in other animals. It is sometimes argued that perhaps some nonhuman animals do have minds like humans do, only at a diminished level. Perhaps, it is speculated, it is only the complexity of the human brain, a difference only in degree, that distinguishes humans from other animals. Perhaps other primates are intelligent but they have lacked the opportunities to manifest their latent intelligence. But such speculation is misguided. While intelligence is not directly observable, it is unreasonable to think that an intelligence of the same type as human intelligence, no matter how diminished, would not manifest itself in at least some of its characteristic effects. If a group of beings possesses a power, and possesses that power over many years (even decades or centuries), it is implausible to think that such a power would not be actualized.

choices be made in this way rather than another way. In such choices, a person could have chosen the other option, or not chosen at all, under the very same conditions. If a choice is free, then, given everything that happened to the person up to the point just prior to his choice—including everything in his environment, everything in his heredity, everything in his understanding and in his character—it was still possible for him to choose the other option, or not to choose at all. Expressed positively: He himself in the very act of choosing determines the content of his willing. Human beings are ultimate authors of their own acts of will and partial authors (together with nature and nurture) of their own character (Kane 1998).

How, then, does a person finally choose one course of action rather than another? The person by his own act of choosing directs his will toward this option rather than that one, and in such a way that he could, in those very same circumstances, have chosen otherwise.¹³

A good case can be made to support the position that human beings do make free choices.¹⁴ First, objectively, when someone deliberates about which possible action to perform, each option (very often, in any case) has in it what it takes to be a possible object of choice. When persons deliberate, and find some distinctive good in different, incompatible, possible actions, they are free, for: (a) they have the capacity to understand the distinct types of good or fulfillment found (directly or indirectly) in the different possible courses of action, and (b) they are capable of willing

¹³ Hence the position we are proposing is an incompatibilist view of free choice. Having alternate possibilities, that is, the ability to will otherwise, is essential to free choice and moral responsibility. It seems to us that the Frankfurt alleged counterexamples (proposed to disprove the principle of alternate possibilities) are not genuine counterexamples. On these alleged counterexamples there is a first agent who deliberates and decides, but there is a second, more powerful agent who in some way monitors the first agent and is ready and able to cause the first agent to do the act desired by the second agent if the first agent begins to will or perform otherwise than the desired outcome. It turns out, however, (on the imagined scenario) that the first agent decides on his own to do the act which the second agent was ready to compel him to do. So, according to advocates of Frankfurt examples, the first agent acted freely, was morally responsible, and yet could not have willed or acted otherwise (see Frankfurt 1969). For a recent defense of this approach, see Fischer and Ravizza 1998. The problem is that the monitoring device, however it is imagined, will be unable to alert the second agent that the first agent is about to, or has begun to, act otherwise than the second agent plans. The act of willing is not determinate prior to its occurrence and so cannot be known before it occurs. And once it has occurred, it is too late to prevent it. (This was the ground for Aquinas's position that not even God can know a future contingent precisely as future, that is, as it exists in its causes, but he can know it only as it is in act—yet, since God is not in time, what is future with respect to us is not future with respect to God. See Aquinas 1981 Pt. I, q. 14, a. 13.) The second agent could prevent the physical, external action carrying out the choice, but the act of will is free and undetermined even if the external behavior executing the choice is prevented. Although his argument against the Frankfurt examples is not precisely the one presented here, an article that overlaps somewhat with this argument is Woodward 2002.

¹⁴ A more extended argument can be seen in Boyle, Grisez, and Tollefsen 1976; see also van Inwagen 1986 and 2002.

whatever they understand to be good (fulfilling) in some way or other.¹⁵ That is, each alternative offers a distinct type of good or benefit, and it is up to the person deliberating which type of good he will choose.

For example, suppose a student chooses to go to law school rather than to medical school. When he deliberates, both options have a distinctive sort of goodness or attractiveness. Each offers some benefit the other one does not offer. So, since each alternative has some intelligible value in it (some goodness that is understood), then each alternative *can* be willed. And, second, while each is good, to a certain extent, neither alternative (at least in many situations) is good, or better, in *every* respect. Here the role of conceptual thought, or intellect, becomes clear. The person deliberating is able to see, that is, to *understand*, that each alternative is good, but that none is best absolutely speaking, that is, according to every consideration, or in every respect. And so, neither the content of the option nor the strength of one or another desire, determines the choice. Hence there are acts of will in which one directs one's will toward this or that option without one's choosing being determined by antecedent events or causes. Human persons, then, are fundamentally distinct from other animals in that they have a nature entailing the potentialities for conceptual thought and free choice.

4. Having a Rational Nature, or Being a Person, Is the Criterion for Full Moral Worth

Neither sentience nor life itself entails that those who possess them must be respected as ends in themselves or as creatures having full moral worth. Rather, having a rational nature is the ground of full moral worth.

The basis of this point can be explained, at least in part, in the following way. When one chooses an action, one chooses it for a reason, that is, for the sake of some good one thinks this action will help to realize. That good may itself be a way of realizing some further good, and that good a means to another, and so on. But the chain of instrumental goods cannot be infinite. So, there must be some ultimate reasons for one's choices, some goods which one recognizes as reasons for choosing which need no further support, which are not mere means to some further good.

Such ultimate reasons for choice are not arbitrarily selected. Intrinsic goods—that is, human goods that as basic aspects of human well-being and fulfillment provide more-than-merely-instrumental reasons for choices and actions—are not just what we happen to desire, perhaps different objects for different people.¹⁶ Rather, the intellectual apprehension that a

¹⁵ The argument here is indebted to Aquinas (see, e.g., Aquinas 1981, I-II, q. 10, aa. 1–2).

¹⁶ The Humean notion of practical reason contends that practical reason begins with given ends which are not rationally motivated. However, this view cannot, in the end, make sense

condition or activity is *really fulfilling* or *perfective* (of me and/or of others like me) is at the same time the apprehension that this condition or activity is a fitting object of pursuit, that is, that it would be worth pursuing.¹⁷ These fundamental human goods are the actualizations of our basic potentialities, the conditions to which we are naturally oriented and which objectively fulfill us, the various aspects of our fulfillment as human persons.¹⁸ They include such fulfillments as human life and health, speculative knowledge or understanding, aesthetic experience, friendship or personal community, harmony among the different aspects of the self.¹⁹

The conditions or activities understood to be fulfilling and worth pursuing are not individual or particularized objects. I do not apprehend merely that *my* life or knowledge is intrinsically good and to be pursued. I apprehend that life and knowledge, whether instantiated in me or in others, is good and worth pursuing. For example, seeing an infant drowning in a shallow pool of water, I apprehend, without an inference, that a good worth preserving is in danger and so I reach out to save the child. The feature, *fulfilling for me or for someone like me*, is the feature in a condition or activity that makes it an ultimate reason for action. The question is: In what respect must someone be like me for his or her

of the fact that we seem to make objective value judgments, not contingent on, or merely relative to, what this or that group happens to desire—for example, the judgments that murder and torture are objectively morally wrong. Moreover, the Humean view fails to give an adequate account of how we come to desire certain objects for their own sake to begin with. A perfectionist account, on the contrary, one that identifies the intrinsic goods (the objects desired for their own sake) with objective perfections of the person, is able to give an account of these facts. For criticisms of the Humean notion of practical reason: Boyle 2001, 177–97; Wallace 1990, 355–87; Korsgaard 1996; Brink 1997; Finnis 1983, 26–79; Raz 1986, 288–368.

¹⁷ The idea is this: What is to be done is what is perfective. This seems trivial, and perhaps is obvious, but it is the basis for objective, practical reasoning. The question, what is to be done? is equivalent to the question, what is to be actualized? But what is to be actualized is what actualizes, that is, what is objectively perfective. For human beings this is life, knowledge of truth, friendship, and so on.

¹⁸ This claim is derived from Thomas Aquinas, and has been developed by Thomists and Aristotelians of various types. It is not necessary here to assume one particular development of that view against others. We need only make the point that the basic principles of practical reason come from an insight—which may be interpreted in various ways—that what is to be pursued, what is worth pursuing, is what is fulfilling or perfective of me and others like me. For more on this see: Grisez, Boyle, and Finnis 1988; Finnis, Boyle, Grisez 1987, chaps. 9–11. Finnis 1983; Finnis 1998; Chappell 1998; Oderberg 2000b; McInerney 1992; Murphy 2002.

¹⁹ Once one apprehends such conditions or activities as really fulfilling and worthy of pursuit, the *moral* norm arises when one has a choice between one option the choice of which is fully compatible with these apprehensions (or judgments) and another option that is not fully compatible with those judgments. The former type of choice is fully reasonable, and respectful of the goods and persons involved, whereas the latter type of choice is not fully reasonable and negates, in one way or another, the intrinsic goodness of one or more instances of the basic goods one has already apprehended as, and recognized to be, intrinsically good.

fulfillment to be correctly viewed as worth pursuing for its own sake in the same way that my good is worth pursuing?

The answer is not immediately obvious to spontaneous, or first-order, practical reasoning, or to first-order moral reasoning. That is, the question of the extension of the fundamental goods genuinely worthy of pursuit and respect needs moral reflection to be answered. By such reflection, we can see that the relevant likeness (to me) is that others too rationally shape their lives, or have the potentiality of doing so. Other likenesses—age, gender, race, appearance, place of origin, etc—are not relevant to making an entity's fulfillment fundamentally worth pursuing and respecting. But being a rational agent *is* relevant to this issue, for it is an object's being worthy of *rational* pursuit that I apprehend and which makes it an ultimate reason for action, and an intrinsic good.²⁰ So, I ought primarily to pursue and respect not just life in general, for example, but the life of rational agents—a rational agent being one who either immediately or potentially (with a *radical* potentiality, as part of his or her nature) shapes his or her own life.²¹

Moreover, I understand that the basic human goods are not just good for me as an individual, but for me acting in communion—rational cooperation and real friendship—with others. Indeed, communion with others, which includes mutual understanding and self-giving, is itself an irreducible aspect of human well-being and fulfillment—a basic human good. But I can act in communion—real communion—only with beings with a rational nature. So, the basic goods are not just goods for me, but goods for me and all those with whom it is possible (in principle, at least) rationally to cooperate. All of the basic goods should be pursued and respected, not just as they are instantiable in me, but as they are instantiable in any being with a rational nature.

In addition, by reflection we see that it would be inconsistent to respect my fulfillment, or my fulfillment plus that of others whom I just happen to like, and *not* respect the fulfillment of other, immediately or potentially, rational agents. For, entailed by rational pursuit of my good (and of the good of others I happen to like) is a demand on my part that others respect my good (and the good of those I like). That is, in pursuing my fulfillment I am led to appeal to the reason and freedom of others to respect that pursuit, and my real fulfillment. But in doing so, consistency, that is reasonableness, demands that I also respect the rational pursuits and real fulfillment of other rational agents—that is, any entity that, immediately or

²⁰ The argument presented here is similar to the approaches found in the following authors: Lombardi 1983; Goldman 2001; Zanardi 1998.

²¹ The position that the criterion for full moral worth cannot be an accidental attribute, but is the rational *nature*, that is, being a specific type of substance, is defended in Lee 2004. See also Stretton 2004, and Lee 2007.

potentially (that is by self-directed development of innate or inherent natural capacities), rationally directs his or her own actions. In other words, the thought of the Golden Rule, basic fairness, occurs early on in moral reflection. One can *hope* that the weather, and other natural forces, including any non-rational agent, will not harm one. But one has a moral *claim* or *right* (one spontaneously makes a moral *demand*) that other mature rational agents respect one's reasonable pursuits and real fulfillment. Consistency, then, demands that one respect reasonable pursuits and real fulfillment of others as well. Thus, having a rational nature, or, being a person, as traditionally defined (a distinct subject or substance with a rational nature) is the criterion for full moral worth.

5. Marginal Cases

On this position every human being, of whatever age, size, or stage of development, has inherent and equal fundamental dignity and basic rights. If one holds, on the contrary, that full moral worth or dignity is based on some accidental attribute, then, since the attributes that could be considered to ground basic moral worth (developed consciousness, etc.) vary in degree, one will be led to the conclusion that moral worth also varies in degrees.

It might be objected against this argument, that the basic natural capacity for rationality also comes in degrees, and so this position (that full moral worth is based on the possession of the basic natural capacity for rationality), if correct, would also lead to the denial of fundamental personal equality (Stretton 2004). However, the criterion for full moral worth is having a nature that entails the capacity (whether existing in root form or developed to the point at which it is immediately exercisable) for conceptual thought and free choice—not *the development* of that basic natural capacity to some degree or other. The criterion for full moral worth and possession of basic rights is not the possession of a capacity for conscious thought and choice considered as an accidental attribute that inheres in an entity, but being a certain kind of thing, that is, having a specific type of substantial nature. Thus, possession of full moral worth follows upon being a certain type of entity or substance, namely, a substance with a rational nature, despite the fact that some persons (substances with a rational nature) have a greater intelligence, or are morally superior (exercise their power for free choice in an ethically more excellent way) than others. Since basic rights are grounded in being a certain type of substance, it follows that having such a substantial nature qualifies one as having full moral worth, basic rights, and equal personal dignity.

An analogy may clarify our point. Certain properties follow upon being an animal, and so are possessed by every animal, even though in other respects not all animals are equal. For example, every animal has some parts which move other parts, and every animal is subject to death (mortal). Since

various animals are equally animals—and since being an animal is a type of substance rather than an accidental attribute—then every animal will equally have *those* properties, even though (for example) not every animal equally possesses the property of being able to blend in well to the wooded background. Similarly, possession of full moral worth follows upon being a person (a distinct substance with a rational nature) even though persons are unequal in many respects (intellectually, morally, etc.).

These points have real and specific implications for the great controversial issues in contemporary ethics and politics. Since human beings are intrinsically valuable as subjects of rights at all times that they exist—that is, they do not come to be at one point, and acquire moral worth or value as a subject of rights only at some later time—it follows that human embryos and fetuses are subjects of rights, deserving full moral respect from individuals and from the political community. It also follows that a human being remains a person, and a being with intrinsic dignity and a subject of rights, for as long as he or she lives: There are no subpersonal human beings. Embryo-destructive research, abortion, and euthanasia involve killing innocent human beings in violation of their moral right to life and to the protection of the laws.

In sum, human beings are animals of a special kind. They differ in kind from other animals because they have a rational nature, a nature characterized by having the basic natural capacities for conceptual thought and deliberation and free choice. In virtue of having such a nature, all human beings are persons; and all persons possess profound, inherent, and equal dignity. Thus, every human being deserves full moral respect.

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